IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2578 OF 2006

Subhash Jethu Patil & Ors. ...Applicants
V/s.
The State of Maharashtra. ...Respondent

Shri Kiran J. Kandpile for Applicants.
Ms.S.V. Gajare, APP for State.

CORAM : V.M. KANADE, J.

DATED : AUGUST 25, 2006

P.C. :-

1. Heard learned Counsel for the applicants and learned APP for the State.

2. This is a second application for bail. The earlier bail application was rejected by this Court on 27th April, 2006. It is alleged that the applicants had demanded Rs.15 lakhs from the complainant as and by way of extortion. The complainant was working with Reliance Industries. When the demand of the applicants were not met, they tried to kidnap the complainant and while they were trying to kidnap the complainant, the police arrested them. Some of the accused were caught red handed alongwith the complainant and the others were ran away. The statement of the complainant and other

witnesses were recorded.

3. By a reasoned order, the earlier application for bail was rejected. One of the grounds for rejecting bail application was the possibility of the applicants threatening the witnesses if they are released on bail.

4. In the second application, it is submitted that the complainant and other witnesses are no longer residing in the said locality and the possibility of tampering with the evidence no more exists. It was further submitted that the applicants essentially are agriculturists and the only earning members in their family and therefore, they should be released on bail.

5. Learned APP has filed an affidavit-in-reply. In the said affidavit, it is stated that the complainant had filed the NC dated 23rd August, 2006 in which he has stated that the he was threatened and asked to withdraw the complaint. He has stated that he was asked to sign on affidavit stating therein that the allegations made by him in the complaint are not true.

6. Learned Counsel for the applicants vehemently urged that this NC complaint was lodged one day before the present application was filed. It is submitted that the contents in the NC are concocts and false and it was obviously with an intention to ensure that the applicants are not released on bail.

7. In my view, there is no change in the circumstance after the rejection of the earlier bail application. The NC complaint indicates the possibility of the complainant being threatened. It is true that this complaint has been filed on 23rd August, 2006 though the alleged affidavit which the complainant was forced to execute was dated 26th June, 2006. However, the fact remains that the possibility of the applicants tampering with the evidence cannot be ruled out taking into consideration the nature of the allegations which are made against the applicants.

8. However, the applicants are in jail since 25th November, 2005 and the trial has not commenced. Under

these circumstances, in my view, it would be appropriate if the Sessions Judge is directed to decide the case, as expeditiously as possible and in any event, within a period of four months. Order accordingly.

9. If the trial is not over within a period of four months, liberty is granted to the applicants to apply for bail again.

10. With these directions, application is disposed of.

(V.M. Kanade, J.)